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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/720,211	11/25/2003	Hidekazu Tanno	Q78595	4996		
23373	7590	04/08/2008	EXAMINER			
SUGHRUE MION, PLLC			FRANCIS, MARK P			
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT			
SUITE 800			PAPER NUMBER			
WASHINGTON, DC 20037			2193			
MAIL DATE		DELIVERY MODE				
04/08/2008		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/720,211	TANNO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARK P. FRANCIS	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 January 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This action is responsive to the amendment filed January 08, 2008.
2. Per applicants' request, claims 1-19 remain pending.
3. After further consideration, the finality of the Office Action dated October 10, 2007 has been withdrawn, a new office action follows:

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Branson. (U.S. Pat 6,425,126)

### *Independent claims*

With respect to claims 1,3,5,6,10, and 11, Branson discloses The detection server for omission-in-software-property-management using a network for detecting a computer omitted from a software-property management which manages,(Col 8:30-45, "...Managing system...") for each computer, basic information thereof and installed software,(Col 4:15-25, "...which software products have been installed...") and fix-patch application status,(Col 4:30-45, "...the fix list is a union of all the software product ...for

each computer...") wherein a network-connected-computer list which holds, for all computers connected to a given network, information for identifying each computer, is received from a network-connection-management server including said network-connected-computer list,(Col 6:58-67, “..compares software inventory with preferred software inventory and creates fix list...”) a software-property management list which holds, for all computers to be managed by said software-property management, information for identifying each computer, is received from a software-property management server including said software-property management list,(Col 9:40-60, “...After the fix list has been developed by software fix manager...”) and said network-connected-computer list and said software-property management list are used as a basis on which a computer is extracted that is present in said network-connected-computer list and absent in said software-property management list,(Col 9:50-67, “...any software product synchronization in fix list that applies to software product will not be applied...”) and there is created a list of computer omitted in the software-property management. (Col 12:20-35, ‘...then compares the fix list with it's own software inventory to determine...will and will not be applied...”)

### **Dependent claims**

With respect to claims 2, 4,7, 8, and 12, the rejection of claims 1,3,5,6 and 11 are incorporated respectively and further, Branson discloses that the omission-in-software-property-management detection server uses said network-connected-computer list and said software-property management list as a basis to extract a computer that is present

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in said software-property management list and absent in said network-connected-computer list, and to create a list of computer in unused state. (Col 9:50-67, "...any software product synchronization in fix list that applies to software product will not be applied...", Col 12:20-35, "...then compares the fix list with it's own software inventory to determine...will and will not be applied...")

With respect to claims 9 and 13, the rejection of claims 8 and 11 are incorporated respectively and further, Branson discloses that said server sorts said network-connected-computer list and said software-property management list, and uses these sorted network-connected-computer list and software-property management list as a basis to create said list of a computer omitted in software-property management or said list of computer in unused state. (Col 9:50-67, "...any software product synchronization in fix list that applies to software product will not be applied...", Col 12:20-35, "...then compares the fix list with it's own software inventory to determine...will and will not be applied...")

With respect to claim 14, the rejection of claim 1 is incorporated and further Branson discloses that the network-connected-computer list is compared with the software-property management list as the basis on which the computer is extracted. (Col 12:20-35, "...then compares the fix list with it's own software inventory to determine...will and will not be applied...")

With respect to claim 15, the rejection of claim 14 is incorporated and further Branson discloses that the difference between the network-connected-computer list and the software-property management list is extracted. (Col 12:15-30, ‘...the fix list gets sent to each target system...’)

With respect to claim 16, the rejection of claim 1 is incorporated and further Branson discloses that the computer omitted in software-property management is a computer connected to the network not under software-property management. (Col 10:50-60, “...which then determines if the fix list applies to the target controller’s...”)

With respect to claim 17, the rejection of claim 16 is incorporated and further Branson discloses that the computer not under software-property management includes a computer operating under with an unknown operating system, software version, or patch-application status. (Col 9:50-67, “...any software product synchronization in fix list that applies to software product will not be applied...”, Col 12:20-35, “...then compares the fix list with it’s own software inventory to determine...will and will not be applied...”)

With respect to claim 18, the rejection of claim 1 is incorporated and further Branson discloses that the list of computer omitted in the software-property management includes information of the computer extracted. Col 9:50-67, “...any software product

synchronization in fix list that applies to software product will not be applied...”, Col 12:20-35, “...then compares the fix list with it’s own software inventory to determine...will and will not be applied...”)

With respect to claim 19, the rejection of claim 2 is incorporated and further Branson discloses that the list of computer in unused state indicates a list of unused software. (Col 12:20-35, “...then compares the fix list with it’s own software inventory to determine...will and will not be applied...”)

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. FRANCIS whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Lewis Bullock can be reached on (571)272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark P. Francis

Patent Examiner

Art Unit 2193

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193